

REMARKS

The Examiner has rejected claims 10–35. Claims 1–9 were previously withdrawn as the result of an earlier restriction requirement. Claims 25 and 34 were previously canceled. No claims are being amended. As a result, claims 10–24, 26–33, and 35 are pending for examination with claims 10 and 23 being independent claims.

Informalities

Applicants' representative wishes to apologize to the Examiner if the tone or manner of the Amendment filed 9–10–2008 ("Amendment") was found to be offensive or discourteous. Such was not the intent.

Rejections under 35 U.S.C. §103

The Examiner has rejected **claims 10, 12–14, 16–23, and 26–33** under 35 U.S.C. §103(a) as being unpatentable over Viswanath et al (US Publication No. 2007/0118670) ("Viswanath") in view of "Communicating Using Multiple Wireless Interfaces" by Kameswari Chebrolu et al. ("Chebrolu") and in further view of "Dynamic Parallel Access to Replicated Content in the Internet" by Pablo Rodriguez et al. ("Rodriguez") and in further view of Greer et al. (US Patent No. 5,978,828) ("Greer"). Further, the Examiner has rejected **claims 11 and 24** under 35 U.S.C. §103(a) as being unpatentable over Viswanath in view of Chebrolu and in further view of Rodriguez and in further view of Greer and in further view of Boehm (US Publication No. 2004/0085944) ("Boehm").

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Further, the Examiner has rejected **claim 15** under 35 U.S.C. §103(a) as being unpatentable over Viswanath in view of Chebrolu and in further view of Rodriguez and in further view of Greer and in further view of Nelson (US Publication No. 2003/0055975) (“Nelson”). Further, the Examiner has rejected **claim 35** under 35 U.S.C. §103(a) as being unpatentable over Viswanath in view of Chebrolu and in further view of Rodriguez and in further view of Greer and in further view of Holder (US Publication No. 2003/0208554) (“Holder”). Applicants traverse.

Applicants respectfully request that the Examiner issue a new non-final Office Action in light of the following comments and per MPEP 710.06. Applicants are uncertain as to the meaning and intent of the Examiner’s use of bracketing in the FOA and the previous Office Action of notification date 6-10-2008 (“OA”). In some cases the Examiner replaces a word from Applicants’ claim language with a word in brackets that seems to refer to a term from the cited art. In other cases, the Examiner adds a bracketed word after a word in Applicants’ claim language, the bracketed word seeming to refer to a term from the cited art. In both cases it seemed to Applicants that the Examiner’s intent in using the bracketed word was to equate the related term from the cited art to the proceeding word of Applicants’ claim language or to the replaced word of the same, particularly since no further explanation as to the meaning of the bracketed words was provided by the Examiner.

In particular, in the OA and the FOA, the Examiner quotes some of the claim language as follows: “assigning each [packet]...” and “transmitting an outgoing request for each [packet]...” wherein the Examiner appears to be replacing the claim term “object in the virtual resource” with the bracketed word “packet” that seems to refer to the term

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“packet” from Chebrolu. Applicants understood this replacement to mean that the Examiner views Chebrolu’s “packet” to be the same as Applicants’ claimed “object in the virtual resource”. Applicants pointed out such in the Amendment to which the Examiner responds in the FOA, “The Examiner disagrees. Chebrolu’s ‘packet’ was not equated to Applicants’ ‘object in a virtual resource’...” (FOA, pg. 2, lines 15–16). As such, Applicants are unclear as to what the Examiner means by the use of the bracketed words wherein no further explanation seems to be provided.

Applicants respectfully submit that the above-detailed lack of explanation around the Examiner’s use of the bracketed words in both the OA and the FOA has negatively impacted the Applicants’ ability to reply to the OA and the FOA. Further, this issue was not discovered until the Examiner remarks in the FOA made it clear that there was an issue in understanding the meaning and intent of the Examiner’s use of the bracketed words.

As stated in MPEP 710.06, “Where... an Office action contains some other error that affects applicant’s ability to reply to the Office action and this error is called to the attention of the Office within 1 month of the mail date of the action, the Office will restart the previously set period for reply to run from the date the error is corrected, if requested to do so by applicant. If the error is brought to the attention of the Office within the period for reply set in the Office action but more than 1 month after the date of the Office action, the Office will set a new period for reply, if requested to do so by the applicant, to substantially equal the time remaining in the reply period.” (emphasis added) As such, Applicants respectfully submit that the misunderstanding over the Examiner’s meaning of the bracketed words, without any further explanation provided,

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as used in the rejections of the OA and the FOA constitute an error that has negatively affected the Applicants' ability to properly respond to the OA and the FOA.

Accordingly, per MPEP 710.06 the Applicants respectfully request that the Examiner issue a new non-final Office Action including an explanation of the meaning of the bracketed words. Further, the Applicants respectfully request that the Office set a new period for reply to substantially equal the time remaining in the reply period.

Further, in the OA the Examiner states that, "one of ordinary skill in the art would reasonably interpret 'objects of a resource' as 'block of a document'." (OA, pg. 3, lines 15-17) Applicants, perhaps erroneously, understand this to mean that the Examiner views Rodriguez's "block of a document" to be the same as Applicants' "object of a resource." It seems the Examiner is confirming this understanding in the FOA wherein he states, "For comparison, at page 7 of the last OA, claimed 'object' is equated with Rodriguez's 'blocks', as evidenced by having word 'blocks' in brackets next to word 'objects'" (FOA, pg. 3, lines 2-4). If this interpretation is incorrect, then Applicants respectfully request that the Examiner clarify the meaning of the remarks in a new non-final Office Action.

Further, in the FOA the Examiner states, "Applicants' acknowledgement at page 14 of 19 of Remarks that: "an "object" can be represented in one or more "packet" for transmission over a network" is noted with appreciation." (FOA, pg. 3, lines 4-6) Applicants traverse and point out that the entire comment made by Applicants is as follows:

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“Further, while it may be the case, in **arguendo**, that an “object” can be represented in one or more “packet” for transmission over a network, clearly the “object” is not the same as the “packet”.”

(Amendment, pg, 14, lines 11–13; emphasis added)

As such, Applicants respectfully point out that no acknowledgment or admission was made.

CONCLUSION

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
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Date: December 2, 2008

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December 2, 2008
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/Noemi Tovar/
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